

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:21-CV-34-D

REINALDO OLAVARRIA,

Plaintiff,

v.

WAKE COUNTY BOARD OF
EDUCATION, et al.,

Defendants.

ORDER

Reinaldo Olavarria (“Olavarria” or “plaintiff”) seeks \$10,000,000 for himself and his child, E.R.O., for alleged violations of their rights under the Individuals with Disabilities in Education Act (“IDEA”), Section 504 of the Rehabilitation Act (“Section 504”), the Civil Rights Act, and the Due Process Clause of the Fifth Amendment. See [D.E. 9]. On April 1, 2021, defendants (the Wake County Board of Education and various Wake County employees) moved to dismiss the complaint [D.E. 27] and filed a memorandum of law in support [D.E. 28]. On April 20, 2021, Olavarria answered the motion to dismiss and moved to empanel a jury, to seal, to strike, and to sanction [D.E. 30, 31, 32]. On May 4, 2021, defendants replied in support of their motion to dismiss [D.E. 33] and responded to Olavarria’s motion [D.E. 34].

For the reasons stated in defendants’ memorandum in support of their motion to dismiss [D.E. 28], the court GRANTS defendants’ motion to dismiss and DISMISSES plaintiff’s complaint for failure to exhaust administrative remedies and for failure to state a claim upon which relief can be granted. The court DISMISSES plaintiff’s complaint WITHOUT PREJUDICE. The court DENIES as baseless plaintiff’s motion to empanel a jury, to seal, to strike, and to sanction [D.E. 30, 32].

SO ORDERED. This 15 day of June 2021.


JAMES C. DEVER III
United States District Judge